

**CITY OF FORT LAUDERDALE
SHORT TERM RESIDENTIAL USE COMMITTEE
THURSDAY, MARCH 25, 2010, 3:15 P.M.
CITY HALL, 100 NORTH ANDREWS AVENUE
1ST FLOOR, FORT LAUDERDALE, FL**

MEMBER		CUMULATIVE	
		MAR 2010/FEB 2011 Present	Absent
Marilyn Mammano, Chair	P	1	0
Joe Amorosino, Vice Chair	P	1	0
Larry Isakowitz	P	1	0
Dwight Ledbetter	P	1	0
Ronald Mastriana (arr. 3:55)	P	1	0
Lula Myers	P	1	0
D.J. Parker	P	1	0
Annette Ross	P	1	0
John Torregrosa	A	0	1

Staff Members Present

Adrienne Ehle, Liaison, Planner III, Planning and Zoning Department
 Ginger Wald, Assistant City Attorney, City Attorney's Office
 Terry Burgess, Zoning Administrator, Planning and Zoning Department
 Malik Mohammed, Chief Zoning Examiner, Planning and Zoning Department
 Deborah Rutkowski, Planning Assistant, Planning and Zoning Department
 Vivian Law, Secretary III, Planning and Zoning Department
 Cheryl Felder, Service Clerk, Planning and Zoning Department
 Michael Maloney, Code Enforcement Manager, Building Department
 Liz Davila, Prototype, Inc., Recording Secretary

Communication to City Commission

The Short Term Residential Use Committee requested the following items from City staff members:

- Information on other cities of similar size and nature to Fort Lauderdale, and their policies on short term residential use.
- Law enforcement and code enforcement actions that have happened in the recent past, as it relates to short term residential use, put geographically on a map so the Committee can focus on areas where problems exist.
- The definition of short term residential use.
- Department of Revenue rules and regulations regarding short term residential use.

I. Call to Order

The meeting was called to order at 3:40 p.m.

Ms. Ehle introduced herself as the Committee liaison and introduced the staff members present at the meeting. She advised that they would be reviewing Florida's Sunshine Law and told the members about the City's upcoming Better Meetings Academy encouraging everyone to attend.

II. Roll Call

A quorum was present for the meeting.

III. Self-introductions

Each of the Committee Members then introduced themselves.

IV. Approval of Minutes – N/A.

V. New Business

Committee members were presented with binders that included reference materials available and providing guidance for the issues, goals, and objectives to be considered by the Committee. A copy of the Committee Resolution was provided as well as some of the City's current planning and zoning policies. These documents are available on the City's website in addition to the ULDR, the City's Comprehensive Plan; and zoning, land use, and neighborhood association maps of the City.

Ms. Ehle explained that with regard to the City's Comprehensive Plan, only the document cover page and table of contents were provided to help navigate the online document as it is a large document of over 200 pages. She asked that the Committee keep in mind that neighborhood character is important as well as economic development in the City and "the Comprehensive Plan speaks to those things." The "Future Land Use" and "Housing" are two example elements which relate to the Committee's purpose and provide substantial information on goals, objectives, and policies already in place.

The table of contents for the ULDR was provided as well as instructions for accessing MuniCode, a website which posts the ULDR regulations in their entirety online.

Mr. Mastriana asked Ms. Ehle if staff could research local ordinances of nearby cities' short-term residential policies. He felt it would be helpful to see how other cities are dealing with this issue. Ms. Ehle said there is extensive research on the subject signifying that one of staff's goals is to help the Committee understand the issues as

much as possible, although, as a Committee with “tremendous expertise and knowledge,” it would be helpful if the members also assisted in providing research.

Ms. Mammano asked if staff could provide them with information about recent trends, i.e., police reports and code violations related to short-term rentals enabling them to get a handle on “how big this problem is and where it’s geographically located.”

Mr. Amorosino requested a cost analysis of revenue lost to the County and City “because these people do not have licenses, permits; they don’t pay any tax.”

Ms. Ehle explained “Communications to City Commission” and how those communications are forwarded to and handled by the City Commission. She read two sections of the Better Meetings Handbook regarding the Florida Sunshine Law and the roles of the Chair and Vice Chair.

a. Election of Chair and Vice Chair

A nomination was made to elect Ms. Mammano as Chair of the Committee.

Motion made by Mr. Ledbetter, seconded by Ms. Myers, to elect Ms. Mammano Chair of the Committee. In a voice vote, the motion passed unanimously.

A nomination was made to elect Mr. Amorosino as Vice-Chair of the Committee.

Upon **Motion** made and duly seconded, to elect Mr. Amorosino Vice-Chair, in a voice vote, the motion passed unanimously.

b. Liaison Presentation/Update

Previously discussed.

c. Defining Committee’s Intent Statement

Ms. Ehle noted that although the Resolution has an intent statement which describes the Committee’s “purpose” many times a new committee chooses to further define that purpose or intent statement.

Chair Mammano then read the Intent Statement aloud. After a brief discussion, it was determined that the Committee would not further define the intent statement at this time; it can be added to or amended later within the parameters of the Resolution passed by the City Commission.

Mr. Mastriana asked if letters could be sent out to each of the HOA Presidents requesting input they may have on this issue. Ms. Ehle agreed that reaching out to the HOAs advising them of the date and times of the meetings and encouraging them to attend would be a good idea. Mr. Mastriana stated it would give the Committee a feel for where the problems are in different parts of the City, although it appears to be localized in certain areas. Mr. Ledbetter indicated the City has experienced double-digit gains in the number of yachts being built and commissioned affecting the workforce and housing markets, as well as maritime educational facilities. Mr. Mastriana suggested that Mr. Ledbetter provide a list of agents from areas with concentrations of yachting personnel to also obtain their thoughts and input.

Ms. Myers suggested the Committee further discuss their intent and strategies before sending out letters into the community.

Ms. Ehle suggested if the Committee wishes to further define their purpose and it is different than stated in the Resolution, that would be a matter to communicate to the City Commission. The Committee itself may have a better idea of further clarifying their actual "purpose."

It was suggested by Chair Mammano that the Committee send a letter to the civic and homeowner associations introducing themselves, advising of their "legislative purpose," and asking for their input.

Ms. Parker liked the idea of gathering research from around the City, finding out from the civic associations the demographics in their individual areas, and then dissecting that information "what, where, why, how."

Ms. Wald pointed out that notice of the meeting and agenda went to all the HOAs and will be sent to them in the future notifying them of all meetings. Chair Mammano noted so many letters and notices are sent to the HOAs that other outreach efforts should be made also.

Ms. Ehle outlined the City's outreach efforts, as well as posting and electronic transmission of notices of meetings. Hard copy mailings are generally cost-prohibitive. Any information the Committee wishes to disseminate to the community can be forwarded to staff to include in Public Information Office packets.

Chair Mammano proposed, since the Council of Civic Associations meets monthly, that presentations could be made by staff at those meetings to keep the HOAs apprised of the Committee's activities. Ms. Ehle added that information can also be included in the water bills sent to residents.

Mr. Amorosino confirmed that the Committee has a time frame of one year to complete their work; however, he was concerned whether they will have to wait for a final analysis at the end of that time to have corrective action taken by the City. Ms. Wald responded that when cases are investigated by the Code Enforcement Department, with each one of those cases (after a determination of whether or not there are violations) code enforcement procedures are followed per Chapter 11 of the City's Code. She agreed this procedure can be a time consuming process.

Mr. Mastriana stated his belief that violations are not clear in the Code; therefore, it is not always apparent to a Code Enforcement officer if there has been a violation or not, i.e., whether is it improper and not permitted for someone to offer their home for a one week rental.

Ms. Wald answered that the City Attorney's Office will continue to work with staff to move forward with their cases and also, that's "one of the reasons why you're here" as the City Attorney has determined what constitutes violations through their own interpretation of the Code. She agreed that the Code as written, is not "black and white" and one of the reasons the City Commission has requested that the Committee be formed. Ms. Wald confirmed there is no language specific in the Code that constitutes short term residential use.

Ms. Myers asked if one of the duties of the Committee should be to define the parameters of "short term rental."

Mr. Ledbetter commented that short term residential use is already defined by the State with overlapping Codes implemented by the City. He asserted the confusion lies in "what is legal."

Ms. Parker commented, "All of this really is about the beach." She asked regarding permitting and noise issues.

Mr. Mastriana said the issue is simply they do not want their "next door neighbor renting his house for a week."

Chair Mammano noted the Committee may find from the facts that the problem is area-specific and some neighborhoods may not be experiencing this problem. She suggested geographically isolating those neighborhoods with a problem and overlaying them with a zoning map to see if they can differentiate where the problems are enabling the Committee to be more specific with their targets.

Mr. Amorosino expressed his concern with being placed in an adversarial role with a neighborhood or industry "that has every right to continue to do what they're doing." He

cited an example in his neighborhood of a weekly rental creating an unpleasant and disturbing situation.

[Chair Mammano briefly left the meeting at 4:54 p.m.]

Mr. Mastriana asked Ms. Wald if she would ask the City Attorney whether they would consider a “zoning in progress” to prohibit anything less than one week rental for the next six months until the Committee has a chance to review this issue. Ms. Wald recommended that request be taken to the City Commission via a “Communication to the City Commission.”

Ms. Wald clarified it is the position of the City that these types of uses in residential areas are not a residential use and are already prohibited by the ULDR. Adding to or amending the Code opens the potential for “grandfathering-in.”

Ms. Wald confirmed that their only course of action at this point in time is through Code Enforcement and the “long and arduous process” of bringing an action against an individual. Ms. Wald did indicate, however, that another option is the City Commission could authorize the filing of suit against an individual for violation of City Code. It was noted by Chair Mamammo that “although it’s very appealing to try and put in a moratorium, there may be...unintended consequences.”

Mr. Mastriana suggested the Committee members make a list of the residences they know are now rented on a weekly basis and ask Code Enforcement to “immediately take action against these houses.” It was his hope this would start a more fruitful process “in the interim.” Chair Mammano indicated that has already been done and visits have been made by Code Enforcement to several of the homes within the past week.

Vice Chair Amorosino narrated a brief story of an incident of a golf weekend reading “testimonials” from the renters.

Chair Mammano expressed the urgency in addressing these “serious problems.” She summarized the Committee’s requests to the staff, i.e., where the violations have previously occurred, current cases before Code Enforcement, and work required to begin putting together a map.

Motion made by Mr. Ledbetter, seconded by Ms. Ross, to send an email to HOA Presidents, asking for their input whether they are experiencing problems with short-term rentals and the nature of the problem, and actively inviting people from the community to come to the next meeting.

Brief discussion continued regarding public input at meetings.

The motion was amended to add “asking for their input *in writing*.”

Vice Chair Amorosino felt that the community was well represented by the persons sitting on the Committee and had enough expertise that they did not need additional commentary from the public.

Mr. Mastriana made the following statement:

What I don't know is I know it's affecting Harbor Beach and I know it's affecting us. Is it possible that we're the only two neighborhoods? I don't think so. I think the Coral Ridge Landings area that is also affected. I would like to know from them if they are also affected similarly so that we can go back to the Commission and say and hey, it's not just our two neighborhoods that are single family residential areas that are affected. The other thing that I would like to know from Dwight's people is that I think that the crew areas are isolated and I think that it may be a way that we find out where they are because you have access...it'd be nice to know where those are in our City...understand what's going on in the single family residential areas, what's going on in the marine industry areas so that we can evaluate...

Ms. Ross also mentioned the “rent out your mega-mansion for the evening” situation which is not currently being addressed, but is also an ongoing problem.

Mr. Ledbetter asked if it is possible for there to be ordinances drafted where certain neighborhoods do not allow short-term and others may permit short-term rentals.

Ms. Ehle stated the answer to Mr. Ledbetter's question is yes, as that is her understanding of the purpose and intent of the Committee. She read two policies from the Comprehensive Plan, further encouraging the Committee members to read the “Future Land Use” element.

In a voice vote, [with Vice Chair Amorosino dissenting], the motion passed.

Chair Mammano reiterated the list of requested information from staff for the next meeting:

- other cities of a similar size and nature to Fort Lauderdale and how they've handled the problem
- law and code enforcement actions in the reasonable past placed geographically on a map enabling the Committee to focus in on the areas where the problems are
- provide a definition of “short-term rental” at the State level

- Department of Revenue rules and regulations for rentals.

Ms. Ehle asked that the list be prioritized.

- d. Other New Business - none.

VI. Unfinished Business - none.

VII. For the Good of the Committee

VIII. Communication to the City Commission

Previously discussed.

IX. Announcements

Ms. Ehle once again stated the City Clerk is offering a course on being a committee member; the information will be provided to each member via email and telephone call.

X. Adjournment

With no further business to come before the Committee, the meeting adjourned at 5:00 p.m.

[Minutes prepared by L. Edmondson, Prototype, Inc.]